

Remarks

Applicant has amended claims 1, 17 and 22. Applicant respectfully submits that no new matter was added by the amendment, as all of the amended matter was either previously illustrated or described in the drawings, written specification and/or claims of the present application. (See, pars. 23, 34, 41 & 59) Entry of the amendment and favorable consideration thereof is earnestly requested.

Claims 1 and 17 recite a “detachable configurable component including a processor” and “a software program . . . overwriting an existing software program on said processor, said processor configuring said detachable configurable component for processing the image data.” Claim 22 recites “a detachable configurable component comprising a processor” and “a software program executing on said processor and overwriting an existing software program on said processor, said processor configuring said detachable configurable component in said camera control unit to process the image data.”

U.S. Patent Application Publication No. 2004/0141054 (Mochida et al.) and U.S. Patent No. 5,627,583 (Nakamura et al.)

The Examiner has submitted that “the claims as written do not specify how the processor configures the detachable component” and that since “the FPGA of Mochida determines what operations will be applied to incoming image data . . . the FPGA of Mochida can be considered as “configuring the detachable component” as claimed.” (Official Action 11/28/07, p. 2) Applicant respectfully disagrees.

Applicant submits that all limitations of all claims must be considered, because it is improper to fail to consider any limitation in the claims. *In re Geerdes*, 491 F.2d 1260, 1262, 180 U.S.P.Q. 789, the 791 (CCPA 1974). In the present case, the Examiner has submitted that the FPGA of Mochida et al. can be read to cover both the configurable

device and the processor. However, this reading specifically ignores the claimed limitations of “a software program . . . overwriting an existing software program on said processor.” While Applicant does not believe that the FPGA of Mochida et al. meets the limitation of receiving and running a program, Applicant has amended claims 1, 17 and 22 to further include the term software to clarify that the processor runs a software program, which the FPGA of Mochida et al. cannot do. In response to the Examiner’s comments that the claims do not specify how the processor configures the detachable component, Applicant submits that the claims recite that the processor receives a program and based on that program, the processor configures the detachable configurable component. That a program is software is supported in the written specification, which states that the “component processor is any type of device capable of receiving and executing software programs” (par. 59) and that the program is stored on “[s]torage device 40” and can “be . . . a remote location, such as the Intranet or Internet” (par. 34).

Accordingly, while the Examiner has submitted that the FPGA of Mochida et al. configures the detachable component, Mochida et al. still fails to disclose or teach a “detachable configurable component including a processor” and “a software program . . . overwriting an existing software program on said processor, said processor configuring said detachable configurable component for processing the image data” as variously recited in all of the pending claims and therefore cannot render the pending claims obvious.

As previously submitted, Mochida et al. cannot be modified to include these limitations according to the pending claims either. For example, Mochida et al. teaches that “[w]hen an address assigned to the identification signal generation unit 75 is designated, the identification signal generation unit 75 transmits an identification signal to the control unit on the main substrate 7 over an identification signal line 76. The control unit 44 identifies the connected expansion substrates and detects the number of connected expansion substrates, and controls the expansion substrates according to the results of the identification and detection.” (Par. 156) (emphasis added) Accordingly, if one were

to try to move the control unit 44 onto an expansion substrate, it is questionable whether or not the system would have means of communicating addresses. In any event, even if communication were possible, if the particular expansion substrate with the control unit relocated thereon was removed, the system would not function with the remaining expansion substrates. See, MPEP 2143.01; *In re Gordon*, 733 F.2d 900, 221 USPQ2d 1125 (Fed. Cir. 1984) (if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.) Applicant respectfully submits that in the present case, if one were to relocate the control unit 44 to one of the expansion substrates, the system would not have the flexibility to freely add and remove expansion substrates. Alternatively, to it is questionable whether providing a control unit 44 on every expansion substrate would work as multiple control units would create confusion, and, in any event, would greatly increase the cost and complexity of the system.

Accordingly, because neither Mochida et al. nor Nakamura et al. teach or disclose a camera control unit having a detachable configurable comprising a processor, and that the processor receives a software program and overwriting an existing software program on said processor, where the processor configures the detachable configurable component for processing the image data, neither reference can render the pending claims obvious. In addition, because Mochida et al. actually teaches away from modification according to the presently pending claims, such a modification cannot be considered obvious.

U.S. Patent No. 6,750,902 (Steinberg et al.)

The Examiner has rejected claim 22 as unpatentable over Steinberg et al. Applicant disagrees.

The configuration of the device taught in Steinberg et al. does not disclose all of the limitations of claim 22. For example, claim 22 recites "a camera head transmitting

image data . . . a camera control unit receiving and processing the image data from said camera head” and “said processor configuring said detachable configurable component in said camera control unit to process the image data.” Applicant notes that the communication device 10 (which the Examiner has equated to the detachable configurable component) is not “in said camera control unit” as recited in claim 22. Rather, Applicant notes that the camera 12 is attachable to either the communication device 10 or the PC 14. (See, col. 4, Ins. 15-20) However, the camera is not controlled by the PC nor is the communication device 10 “in” the PC for processing the image data transmitted by the camera. The camera is never simultaneously connected to the communication device 10 and the PC 14. As claimed in claim 22, the detachable configurable component is completely “removable from said camera control unit.” While the communication device 10 appears to be connectable to the PC 14 via cable 26 when not connected to the camera, the device is not “in said camera control unit” nor is it “removable from said camera control unit” as recited in claim 22.

It is well settled that “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). In this case, Steinberg et al. fails to disclose a detachable configurable component “in said camera control unit” that is “removable from said camera control unit” and therefore cannot anticipate claim 22.

Applicant further submits that it would not be obvious to modify Steinberg et al. according to claim 22. Steinberg et al. describes that the “primary function of the communication device 10 is to perform the necessary operations required to receive data from the camera 12 and then to sent the data to the remote destination 18 by way of a selected communication media indicated by network 16.” (col. 4, Ins. 42-46) Accordingly, “communication device 10” is provided for facilitating movement of data from the camera to a destination, whereas, the detachable configurable component in

the camera control unit is used “to process the image data” as recited in claim 22. Simply receiving data is not the same as processing the image data as indicated in the written specification, which differentiated the two stating that the “camera control unit (“CCU”) 20” is provided “for receiving and processing image data.” (par. 31; see also, pars. 37-38 & 43) The specification further differentiates receiving from processing stating that “hardware component 82 then receives and processes the image data 32 transmitted from camera head 12 into a usable format for viewing, which includes viewing on a display 49.” (par. 33; see also, par. 39-40) Accordingly, “communication device 10” is not provided to process image data received from the camera nor is there any teaching to modify it to do so.

Applicant further notes that there is no teaching to locate communication device 10 “in said camera control unit” so that it is “removable from said camera control unit” as recited in claim 22. The communication device 10 is not a device that is removable from PC 14, nor do these two devices work together to control the camera. In fact, they cannot even be coupled to the camera at the same time. A rationale to support a conclusion that a claim would have been obvious is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded nothing more than predictable results to one of ordinary skill in the art. *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1395 (2007); *Sakraida v. AG Pro, Inc.*, 425 U.S. 273, 282 (1976). In this case, the function of processing the data by communication device 10 is not considered or contemplated by Steinberg et al. nor has the Examiner provide a rationale as to why such a modification would be obvious.

Accordingly, Applicant respectfully submits that because Steinberg et al. fails to teach all of the claim limitations of claim 22, it cannot render claim 22 obvious.

It is respectfully submitted that claims 1-4, 6 and 8-24, all of the claims remaining in the application, are in order for allowance and early notice to that effect is respectfully requested.

Respectfully submitted,

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